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09/608,008	06/30/2000	Toshihiro Nakayama	P19355	9559

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EXAMINER

YANG, RYAN R

ART UNIT

PAPER NUMBER

2672

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/608,008

Applicant(s)

NAKAYAMA, TOSHIHIRO

Examiner

Ryan R Yang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3. 6) ☐ Other:

### **DETAILED ACTION**

1. Claims 1-33 are pending in this application. Claims 1, 13, 32 and 33 are independent claims. This action is non-final.
2. This application claims foreign priority dated 7/02/1999.
3. The present title of the invention is "Image processing computer system for photogrammetric analytical measurement".

### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 7-9, 13-18, 22-24 and 28-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Endoh et al. (5,819,103).

As per claim 1, Endoh et al, hereinafter Endoh, discloses an image processing computer system for a photogrammetric analytical measurement in which a survey map is produced by connecting at least two sets of pictures. featuring a photographed target located at a given target position, said system comprising:

a monitor that displays a scene including a picture display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

a first monitor controller that selectively displays only one picture in each set on said picture-display area of said scene (Figure 4 114 the Data movement determining section);

a second monitor controller that transfers a displayed picture from said picture-display area to said editing-display area and vice versa (Figure 4 114 the data movement determining section); and

a third monitor controller that visually displays a connection relationship between pictures displayed on said editing-display area of said scene (Figure 4 114 Link control unit).

6. As per claim 2, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses said picture-display area and said editing-display area is performed at a reduced size (see Figure 2).

7. As per claim 3, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses a transfer-indicator that indicates a picture to be transferred from said picture-display area to said editing-display area and vice versa ("For example, the operation target search section 924 moves the cursor upon movement of a device, and performs reverse display of a file at the cursor position, or turns on an indicator near the file", column 22, line 29-32).

8. As per claim 7, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses a connecting-strip is displayed on said editing-display area under control of said third monitor controller to indicate said

connection relationship between the pictures displayed on said editing-display area of said scene (Figure 36 1123).

9. As per claim 8, Endoh demonstrated all the elements as applied to the rejected claim 7, supra, and further discloses said connecting-strip is displayed as a strip connected between the centers of the two adjacent pictures at the back faces thereof (Figure 36 1123).

10. As per claim 9, Endoh demonstrated all the elements as applied to the rejected independent claim 1, supra, and further discloses a fourth monitor controller that moves a picture, transferred from said picture-display area to said editing-display area, from one location to another location on said editing-display area (Figure 114 Data movement determining controller).

11. As per claim 13, Endoh discloses an image processing computer system for a photogrammetric analytical measurement in which a survey map is produced by connecting a first group including at least a set of pictures featuring a photographed target located at a first target position and a second group including at least a set of pictures featuring a photographed target located at a second target position to each other, said system comprising:

- a monitor that displays a first scene including a picture-display area and an editing-display area (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

- a first monitor controller that selectively displays only one picture in a set included in said first group and only one picture in a set included in said second group,

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on said picture-display area of said first scene (Figure 4 114 the data movement determining section);

a second monitor controller that transfers a displayed picture from said picture-display area to said editing-display area and vice versa (Figure 4 114 the data movement determining section); and

a third monitor controller that visually displays a connection relationship between pictures displayed on said editing-display area of said first scene (Figure 4 114 link control unit).

12. As per claim 14, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses a display of pictures on said picture display area and said editing-display area is performed at a reduced size (see figure 2).

13. As per claim 15, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses each of said first and second groups includes at least two sets of pictures, and all respective pictures, included in the sets forming each group, are displayed on said picture-display area in photographing order under control of said first monitor controller (Figure 2 where each of the display area display a picture that is representative of a set of picture).

14. As per claim 16, Endoh demonstrated all the elements as applied to the rejected dependent claim 15, supra, and further discloses upon transferring one of the respective pictures, included in the sets forming each group, from said picture-display area to said editing-area and vice versa, a transfer of the remaining pictures in simultaneously

performed under control of said second monitor controller (Figure 4 114 data movement determining section and Figure 20 where groups of data are moved).

15. As per claim 17, Endoh demonstrated all the elements as applied to the rejected dependent claim 16, supra, and further discloses upon transferring one of the respective pictures, included in the sets forming each group, from said picture-display area to said editing-area, a transfer of the remaining pictures is simultaneously performed under control of said second monitor controller, and all the respective pictures, included in the sets forming the other group, are displayed on said picture-display area under controller of said first monitor controller (Figure 4 114 data movement determining section and Figure 20 where groups of data are moved).

16. As per claim 18, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses a transfer-indicator that indicates a picture to be transferred from said picture display area to said editing-display area and vice versa ("For example, the operation target search section 924 moves the cursor upon movement of a device, and performs reverse display of a file at the cursor position, or turns on an indicator near the file", column 22, line 29-32).

17. As per claim 22, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses a connecting-strip is displayed on said editing-display area under control of said third monitor controller to indicate said connection relationship between the pictures displayed on said editing-display area of said scene (Figure 36 1123).

18. As per claim 23, Endoh demonstrated all the elements as applied to the rejected claim 22, supra, and further discloses said connecting-strip is displayed as a strip connected between the centers of the two adjacent pictures at the back faces thereof (Figure 36 1123).

19. As per claim 24, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses a fourth monitor controller that moves a picture, transferred from said picture-display area to said editing-display area, from one location to another location on said editing-display area (Figure 114 Data movement determining controller).

20. As per claim 28, Endoh demonstrated all the elements as applied to the rejected independent claim 13, supra, and further discloses a connection-indicator that indicates a picture, displayed on said picture-display area, and a picture, displayed on said editing-display area, to be connected to each other when the former picture is transferred to said editing-display area (Figure 36).

21. As per claim 29, Endoh demonstrated all the elements as applied to the rejected dependent claim 28, supra, and further discloses a fourth monitor controller that changes said first scene of said monitor into a second scene in which a connection-processing for connecting said pictures to each other is performed before said former picture is transferred to said editing-display area (Figure 4 114 for controlling and 112 shows link information is stored in a memory).

22. As per 30, Endoh demonstrated all the elements as applied to the rejected dependent claim 29, supra, and further discloses two pictures, included in a set forming



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said first group, and two pictures, included in a set forming said second group, are displayed on said second scene of said monitor under control of said fourth monitor controller for said connection-processing (Figure 3 60 and 61 as first group and 76 and 77 as second group).

23. As per claim 31, Endoh demonstrated all the elements as applied to the rejected dependent claim 30, supra, and further discloses two pictures, included in a set forming said first group, and said two pictures, included in a set forming said second group, have at least two common connecting-image-points for said connection-processing (Figure 3 80).

24. As per claim 32, Endoh discloses an image processing method for a photogrammetric analytical measurement in which a survey map is produced by connecting a first group including at least a set of pictures featuring a photographed target located at a first target position and a second group including at least a set of pictures featuring a photographed target located at a second target position to each other, said method comprising steps of:

displaying a scene, including a picture-display area and an editing-display area, on a monitor (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

selectively displaying only one picture in a set included in said first group and only one picture in a set included in said second group, on said picture-display area of said scene (Figure 2 where the left portion (60, 61, 62 and 63) are picture display area and the right portion is the editing-display area);

transferring a displayed picture from said picture display area to said editing-display area (Figure 4 114 the Data movement determining section); and

visually displaying a connection relationship between pictures displayed on said editing-display area of said scene (Figure 4 118).

25. As per claim 33, since Endoh's system is a computer system, it has memory to perform tasks as in claim 32, and therefore is similarly rejected as claim 32.

***Claim Rejections - 35 USC § 103***

26. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

27. Claims 4-6, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) in view of Kaplow et al. (4,202,041).

As per claim 4, Endoh demonstrated all the elements as applied to the rejected claim 3, supra.

Endoh discloses a method of displaying pictures. It is noted that Endoh does not explicitly disclose "a marker is displayed on said editing-display area under control of said second monitor controller to indicate a location, at which the picture is to be transferred from said picture-display area to said editing-display area, when said picture is indicated by said transfer-indicator", however, this is known in the art as taught by

Kaplow et al., hereinafter Kaplow. Kaplow discloses a display system where a marker is used to position a picture to be transferred (Figure 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh because Endoh discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

28. As per claim 5, Endoh and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses comprises a frame representing an outline of the picture to be transferred from said picture display area to said editing-display area (Figure 14 the outline).

29. As per claim 6, Endoh and Kaplow demonstrated all the elements as applied to the rejected claim 4, supra, and Kaplow further discloses said marker is movable under control of said second monitor controller in said editing-display area (since the marker is controllable by the keyboard it is movable).

30. As per claim 19, Endoh demonstrated all the elements as applied to the rejected dependent claim 18, supra.

Endoh discloses a method of displaying pictures. It is noted that Endoh does not explicitly disclose "a marker is displayed on said editing-display area under control of said second monitor controller to indicate a location, at which the picture is to be transferred from said picture-display area to said editing-display area, when said picture is indicated by said transfer-indicator", however, this is known in the art as taught by

Kaplow et al., hereinafter Kaplow. Kaplow discloses a display system where a marker is used to position a picture to be transferred (Figure 14).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kaplow into Endoh because Endoh discloses a method of displaying pictures that have relations and Kaplow discloses a method of positioning a location in order for the picture to be easily transferred to the desired location.

31. As per claim 20, Endoh and Kaplow demonstrated all the elements as applied to the rejected claim 19, supra, and Kaplow further discloses comprises a frame representing an outline of the picture to be transferred from said picture display area to said editing-display area (Figure 14 the outline).

32. As per claim 21, Endoh and Kaplow demonstrated all the elements as applied to the rejected claim 19, supra, and Kaplow further discloses said marker is movable under control of said second monitor controller in said editing-display area (since the marker is controllable by the keyboard it is movable).

33. Claims 10-12 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Endoh et al. (5,819,103) in view of Mahoney et al. (5,659,639).

As per claims 10 and 11, Endoh demonstrated all the elements as applied to the rejected claim 9, supra.

Endoh discloses a method of displaying pictures with control unit to determine data movement. It is noted that Endoh does not explicitly disclose "a movement-indicator that indicates a picture to be moved on said editing-display area" and "a

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marker is displayed on said editing display area under control of said fourth monitor controller to indicate a location, at which the picture is to be moved, when said picture is indicated by said movement-indicator", however, this is known in the art as taught by Mahoney et al., hereinafter Mahoney. Mahoney discloses a image editing system in which movement-indicator are used to indicate movement of images (Figure 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh because Endoh discloses a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

34. As per claim 12, Endoh and Mahoney demonstrated all the elements as applied to the rejected dependent claim 11, supra, and Mahoney further discloses said marker comprises a frame representing an outline of the picture to be moved on said editing-display area (Figure 4 where image A and B have frames).

35. As per claims 25 and 26, Endoh demonstrated all the elements as applied to the rejected claim 24, supra.

Endoh discloses a method of displaying pictures with control unit to determine data movement. It is noted that Endoh does not explicitly disclose "a movement-indicator that indicates a picture to be moved on said editing-display area" and "a marker is displayed on said editing display area under control of said fourth monitor controller to indicate a location, at which the picture is to be moved, when said picture is indicated by said movement-indicator", however, this is known in the art as taught by

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Mahoney et al., hereinafter Mahoney. Mahoney discloses a image editing system in which movement-indicator are used to indicate movement of images (Figure 16).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Mahoney into Endoh because Endoh discloses a method of displaying pictures with control unit to determine data movement and Mahoney further discloses the movement of images can be tracked by a movement indicator in order to easily track the movement of image.

36. As per claim 27, Endoh and Mahoney demonstrated all the elements as applied to the rejected dependent claim 26, supra, and Mahoney further discloses said marker comprises a frame representing an outline of the picture to be moved on said editing-display area (Figure 4 where image A and B have frames).

### ***Conclusion***

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

### ***Inquiries***

38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Ryan Yang** whose telephone number is **(703) 308-6133**.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Michael Razavi**, can be reached at **(703) 305-4713**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Ryan Yang  
November 17, 2002



**MICHAEL RAZAVI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600**